THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.180 of 2000

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15th February 2006

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 02.09.2005 in W.P.NO.24919 OF 2002 on the file of the High Court.)

Between:

K.Rajini, D/o.K.S.Swamy Reddy, 25 years, D.No.24/2/1-39,

R/o.Sankara Veedhi, Vizianagaram.

...APPELLANT

AND

1. The Commissioner of Collegiate Education, A.P., Hyderabad.

And two others.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE D.APPA RAO

WRIT APPEAL NO.180 OF 2000

JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard Sri Vedula Venkataramana, the learned counsel appearing on behalf of the appellant and the learned Government Pleader for Higher Education appearing on behalf of respondent Nos.1 and 2 and Sri C.Kodanda Ram, the learned counsel appearing on behalf of the third respondent.

The appellant filed this appeal aggrieved by the order dated 21.01.2000 in Writ Petition No.12423 of 1999, which was filed seeking declaration of the impugned proceedings dated 08.06.1999 in R.C.No.2558/FC.1-1/98 issued by the first respondent as arbitrary and illegal with a consequential direction to the first respondent to approve her selection for the post of Lecturer in Chemistry in the third

respondent College, where under respondent Nos.1 and 2 rejected the request for approval for appointment as Lecturer in Chemistry.

The facts, which are necessary for disposal of this appeal, are that the petitioner passed M.Sc., (Chemistry) and obtained First Class in Environmental Chemistry. Further, she belongs to B.C. 'A' Community. In response to the notification issued by the third respondent College for the purpose of appointment to the post of Lecturer in Chemistry, which was notified by the Employment Exchange vide No.1915/0046/03 on 05.01.1995, the appellant was sponsored by the Employment Exchange. Consequent thereupon, interview was held on 22.03.1998 and the Selection Committee selected the appellant to the said post. Thereafter, the third respondent sought for an approval, which was rejected and hence, the Writ Petition was filed. Contesting the claim of the appellant, the main plea raised on behalf of respondent Nos.1 and 2 is that having regard to the proceedings dated 18.09.1995 issued by the first respondent and since minimum candidates did not appear, the selection of the appellant cannot be accepted. The learned Single Judge did not find favour with the appellant's case placing reliance on the proceedings dated 18.09.1995 and further held that the said proceedings were not challenged.

After hearing the learned counsel on either side and on perusal of the material available on record, the only question that arises for consideration is whether under the facts and circumstances, the petitioner's selection is held to be valid.

There is no dispute with regard to the qualifications possessed by the appellant and the fact that she had applied to the notification issued by the third respondent

through Employment Exchange and subsequently, she was interviewed and ultimately she was selected. Later, the third respondent sought for approval of her candidature for appointment to the post of Lecturer in Chemistry. On a reading of the proceedings dated 18.09.1995, we do not see any such specific condition contemplating that unless and until a minimum number of three candidates appear for the interview, the selection process cannot be proceeded with and would have any effect as such on the selection, which has already undertaken. In fact, it is quite surprising to see that the order dated 08.06.1999, which was challenged by the appellant, reiterates the same objection that minimum required number of persons did not attend the interview as required in the proceedings dated 18.09.1995. In the absence of any such specific condition, the same cannot be put against the appellant. Even otherwise merely because the candidates did not appear nor the other candidates are not selected, the same would not effect the candidature of a validly selected candidate to the post to which she has been duly selected. In view of the same, we do not find any justification in the objection raised on behalf of respondent Nos.1 and 2 or even in the reason shown in the impugned proceedings dated 18.09.1995. Therefore, the order of rejection by the first respondent and the impugned order dated 08.06.1999 are liable to be set aside.

During the course of the arguments, it is pointed out that during the pendency of this appeal, as per the interim direction dated 08.03.2000 in W.A.M.P.No.350 of 2000, the petitioner was given appointment and since then she has been working as Lecturer in Chemistry. Having regard to the same, the selection which has already been made in favour of the appellant does not call for any interference.

Accordingly, the Writ Appeal is allowed and the Writ Petition filed by the appellant stands allowed. No costs.

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(B.PRAKASH RAO, J)

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(D.APPA RAO, J)

15th February 2006

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